



July 30, 2000

Ms. Leslie Poynter Dixon
Criminal District Attorney
County of Van Zandt
202 North Capitol
Canton, Texas 75103

OR2000-2479

Dear Ms. Dixon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 136626.

The Van Zandt County Justice of the Peace (the “justice of the peace”) received a request for all personnel records of a named former deputy court clerk. You claim that the requested information is a record of the judiciary and is thus not subject to chapter 552 of the Government Code, the Public Information Act (the “Act”). Alternatively, you assert that, if the requested information is subject to the Act, it is excepted from required disclosure pursuant to section 552.102 of the Government Code.

The Act does not govern access to judicial records. *See* Gov’t Code § 552.003(1)(B) (providing that under the Act, the term “[g]overnmental body” . . . does not include the judiciary”); *see also Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ). A justice of the peace is a member of the judiciary; therefore, the Act does not apply to records of the justice of the peace. While the judiciary is free to make available any of its records, the Act “neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed.” Open Records Decision No. 25 at 3 (1974); *see also* Attorney General Opinion DM-166 at 1 (1992). We note, however, that certain judicial records, which do not appear to be implicated here, may be open to the public under other sources of law. *See Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992) (documents filed with a court generally are considered to be public); Attorney General Opinion DM-166 at 3 (1992) (public has general right to inspect and copy judicial records, subject to the court’s power to control access to its records); Open Records Decision No. 25 at 3 (1974) (public has right to inspect papers filed in a justice of the peace court). *See also* Gov’t Code § 27.004 (justice court records subject to inspection by any interested party); Rule 12 of the Rules of Judicial Administration.

In summary, because the Act does not control access to records of the judiciary, this office cannot direct either the release or withholding of the requested information. Because we determine that the justice of the peace is not a governmental body subject to the Act, we do not address your section 552.102 argument.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Michels Anderson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/pr

Ref: ID# 136626

Encl. Submitted documents

cc: Sergeant Jack Webster
Highway Patrol
Texas Department of Public Safety
P.O. Box 658
Canton, Texas 75103
(w/o enclosures)